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In Re Applications of:)

AJI BROADCASTING, INC.)

ORDER TO SHOW CAUSE WHY THE)
LICENSE FOR STATION KRBG (FM))
CANADIAN, TEXAS SHOULD NOT)
BE REVOKED)

MM DOCKET NO. 96-92

Volume: 1

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Place: Washington, D.C.

Date: June 4, 1996

HERITAGE REPORTING CORPORATION

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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)	MM DOCKET NO. 96-92
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Courtroom 3, Suite 201
Federal Communications
Commission
2000 L Street, N.W.
Washington, D.C.

Tuesday,
June 4, 1996

The parties met, pursuant to the notice of the
Judge, at 9:03 a.m.

BEFORE: HON. EDWARD LUTON
Administrative Law Judge

APPEARANCES:

On behalf of AJI Broadcasting, Inc.:

A. JACK INMAN, Pro Se
AJI Broadcasting
2645 James B. White Highway North
Whiteville, North Carolina 28472

On behalf of the FCC:

MARK BERLIN, ESQ.
Federal Communications Commission
Mass Media Bureau
2025 M Street, N.W., Room 8202
Washington, D.C. 20554
(202) 418-1423

Heritage Reporting Corporation
(202) 628-4888

I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
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None.

E X H I B I T S

<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>
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None.

Hearing Began: 9:03 a.m.

Hearing Ended: 9:12 a.m.

1 P R O C E E D I N G S

2 JUDGE LUTON: Good morning, Mr. Inman.

3 MR. INMAN: Good morning, sir.

4 JUDGE LUTON: My name is Edward Luton. I am going
5 to be the judge in this revocation case --

6 MR. INMAN: Okay.

7 JUDGE LUTON: -- that we have going here, called
8 AJI Broadcasting I want to thank you for calling us just
9 about on time. We are all gathered here and are ready to
10 proceed.

11 Mr. Inman is appearing on behalf of the Licensee,
12 AJI Broadcasting, Incorporated. And on behalf of the
13 Bureau, we have an appearance by whom?

14 MR. BERLIN: Mark Berlin.

15 JUDGE LUTON: Mr. Berlin, for the Bureau.

16 Did you hear that, Mr. Inman?

17 MR. INMAN: Yes.

18 JUDGE LUTON: Okay. Mr. Inman, in your notice of
19 appearance, you indicated your intention to get the station
20 back on the air?

21 MR. INMAN: That's correct.

22 JUDGE LUTON: That is correct. I take it that the
23 Bureau is still of a mind to proceed?

24 MR. BERLIN: Yes, sir.

25 JUDGE LUTON: At least as is proposed in the

1 designation order?

2 MR. BERLIN: Yes.

3 JUDGE LUTON: Okay. The Bureau has the burdens of
4 persuasion and proof, I believe. Burden of proceeding and
5 burden of proof, yes?

6 MR. BERLIN: Yes.

7 JUDGE LUTON: And the Bureau is going to be
8 prepared to take those burdens on July 30, when the hearing
9 is scheduled. That date was stated in the Chief Judge's
10 order, released April 22, 1996.

11 All I want to do this morning, now that we know
12 what the intentions of the parties are going to be, or what
13 their intentions are, I should say, I merely want to set a
14 couple of other procedural dates that will take us to the
15 July 30 hearing date.

16 I am going to require that the testimony of
17 witnesses be reduced to writing and that that testimony be
18 in the form of exhibits. Each side will know the other's
19 exhibits and proposed testimony, because those exhibits are
20 to be exchanged between the parties. And that exchange
21 should occur on July 1.

22 MR. INMAN: Are these to be sent to your
23 attention, Your Honor?

24 JUDGE LUTON: Go ahead?

25 MR. INMAN: Are these, ah, exhibits to be sent to

1 your attention?

2 JUDGE LUTON: I would like to have a copy of them,
3 but the exchange should be between the Licensee and the
4 Bureau.

5 MR. INMAN: Well, what -- what I'm asking is, ah,
6 who would I send those to? Mr. Berlin?

7 JUDGE LUTON: Yes.

8 MR. BERLIN: Yes, you can send them to me.

9 MR. INMAN: Okay.

10 JUDGE LUTON: To Mr. Berlin. Send me a copy,
11 also.

12 MR. BERLIN: Would you like my address?

13 MR. INMAN: Um, I think I have it.

14 MR. BERLIN: Okay.

15 MR. INMAN: I'm sure I do. But, um --

16 JUDGE LUTON: I am sorry. Go ahead.

17 MR. INMAN: Ah, just to be safe, Mr. Berlin, if
18 you would give me that?

19 MR. BERLIN: All right, you can put down
20 2025 M Street, N.W., Room 8202, Washington, D.C. 20554.

21 MR. INMAN: Two-oh-five-five?

22 MR. BERLIN: Four.

23 MR. INMAN: Four. And that room number was
24 eight-what?

25 MR. BERLIN: Eight-two-oh-two.

1 MR. INMAN: Eight-two-zero-two.

2 JUDGE LUTON: Okay?

3 MR. INMAN: Okay.

4 JUDGE LUTON: I am going to change the exhibit
5 exchange date from the first to the eighth. There is just
6 no way that -- three weeks would be needed between the
7 exhibit exchange and the hearing.

8 Let us exchange exhibits on the eighth of July.
9 And then, on the 22nd of July, the parties having reviewed
10 all of the exhibits, will know what witnesses they are going
11 to call to testify at the hearing. So, on the 22nd of July,
12 each side should notify the other of the witnesses in the
13 form of a simple witness list. The witnesses that the side
14 intends to call in support of its case. That is July 22.

15 Those are the only dates we need, then, I think.
16 Exhibits, July 8; witnesses, July 22; and the hearing,
17 already scheduled for July 30.

18 Mr. Inman, how are those dates with you?

19 MR. INMAN: Those dates are fine.

20 JUDGE LUTON: Okay. How are they with you,
21 Mr. Berlin?

22 MR. BERLIN: They are fine.

23 JUDGE LUTON: Okay. I am going to be interested
24 to see what kind of evidence is presented in this case.
25 There have been a few of these silent station cases that

1 have come to my attention recently, where the Licensee is
2 prepared to defend the license. And it will be interesting
3 to try one and see just what kind of evidence there is to
4 deal with in these kinds of cases.

5 Well, that is all that I have. Does anyone else
6 have anything?

7 MR. BERLIN: (Consults with staff.)

8 JUDGE LUTON: Hold on, Mr. Inman.

9 MR. BERLIN: Mr. Inman, you might want to file a
10 motion for summary decision in this matter, which would be
11 for the -- which would mean for the Judge, would make a
12 decision in your favor and you could have that pending with
13 him.

14 MR. INMAN: A motion of what?

15 MR. BERLIN: Summary decision.

16 MR. INMAN: Could you explain that, please?

17 JUDGE LUTON: Well, I am sure he can. He probably
18 will be happy to talk to you after we get out of this
19 conference.

20 MR. INMAN: Oh, okay.

21 JUDGE LUTON: Okay, what he is talking about, a
22 motion for summary decision, it is a method whereby a
23 hearing can be averted and the license can be preserved, if
24 it works. Like any other motion, if it works. There is no
25 guarantee that anything will happen, other than that the

1 motion will be denied, simply by the filing of such a
2 motion.

3 But Mr. Berlin deserves your thanks for having
4 raised the possibility with you. And I am sure he will talk
5 to you about that some more. Okay.

6 MR. INMAN: Ah, I do appreciate that.

7 JUDGE LUTON: Pardon me?

8 MR. INMAN: I do appreciate that, because I -- I
9 have some matters that I think that, ah -- ah, the Court can
10 look at and -- and I feel like in my favor.

11 JUDGE LUTON: All right. Okay, does anyone have
12 anything else?

13 MR. INMAN: Mr. Berlin, can I have your number
14 again, please? I have it --

15 MR. BERLIN: You mean my phone number?

16 MR. INMAN: Yes.

17 MR. BERLIN: Ah, it's 202-418-1423.

18 MR. INMAN: One-four-two-three. Okay, that's all
19 I have at this point.

20 JUDGE LUTON: Any other points? Mr. Inman?

21 MR. INMAN: Ah, no, sir. Um --

22 JUDGE LUTON: Okay.

23 MR. INMAN: -- I do want to file this motion of
24 summary. And, ah, I'll put the points into that.

25 JUDGE LUTON: All right. Well, you find out what

1 it is, first. There are some technical requirements
2 concerning it.

3 MR. INMAN: Okay.

4 JUDGE LUTON: And, again, as I am sure you
5 appreciate without me having to say it, but just in case you
6 do not, there is no magic about this particular motion.
7 Like any other motion, it is a request that a matter be
8 disposed of in your favor. It may or may not work, but you
9 know that already, I am sure.

10 MR. INMAN: And I -- I appreciate you giving me
11 this information.

12 JUDGE LUTON: Okay. Thank you very much,
13 Mr. Inman.

14 MR. INMAN: Thank you.

15 JUDGE LUTON: We are going to ring off about here.

16 MR. INMAN: Thank you very much.

17 JUDGE LUTON: Thank you, gentlemen.

18 MR. INMAN: Bye, now.

19 JUDGE LUTON: All right.

20 MR. BERLIN: Thank you, Your Honor.

21 (Whereupon, at 9:12 a.m., the proceeding was
22 concluded.)

23 //

24 //


25 //

REPORTER'S CERTIFICATE

FCC DOCKET NO.: 96-92
CASE TITLE: AJI BROADCASTING, INC.
HEARING DATE: June 4, 1996
LOCATION: Washington, D. C.

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the Federal Communications Commission.


Date: 6/5/96


Official Reporter
Heritage Reporting Corporation
1220 "L" Street, N.W.
Washington, D.C. 20005
Gary A. Sabel

TRANSCRIBER'S CERTIFICATE

I hereby certify that the proceedings and evidence were fully and accurately transcribed from the tapes and notes provided by the above named reporter in the above case before the Federal Communications Commission.


Date: 6/5/96


Official Transcriber
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Gary A. Sabel

PROOFREADER'S CERTIFICATE

I hereby certify that the transcript of the proceedings and evidence in the above referenced case that was held before the Federal Communications Commission was proofread on the date specified below.

Date: 6/7/96


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Barbara A. Blossom